UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte RICHARD D. DETTINGER, FREDRICK A. KULACK, and
RICHARD J. STEVENS

_____

Appeal 2009-003933
Application 10/718,218
Technology Center 2100

_____

Decided: April 7, 2010

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Before JOSEPH L. DIXON, HOWARD B. BLANKENSHIP,
and ST. JOHN COURTENAY III, *Administrative Patent Judges.*

COURTENAY, *Administrative Patent Judge.*

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) (2002) from the
Examiner's rejection of claims 1 and 3-41. Claim 2 has been cancelled. We
have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

STATEMENT OF THE CASE

INVENTION

The invention on appeal relates generally to data processing in databases. More particularly, Appellants' invention is directed to natural language support for database applications. (Spec. 1).

ILLUSTRATIVE CLAIM

1.   A method of providing natural language support for users running queries against a database, comprising:

      providing a data abstraction model comprising a plurality of logical fields abstractly describing physical data residing in the database;

      associating the data abstraction model with a language resource component defining a natural language expression for each of the plurality of logical fields;

      creating an effective data abstraction model by modifying the data abstraction model in accordance with a view that reflects one or more security settings for a group of users; and

      displaying, to a user of the group of users, the effective data abstraction model.

PRIOR ART

The Examiner relies upon the following references as evidence:

Kawakura   US 2004/0034521 A1   Feb. 19, 2004

Inanoria   US 2004/0046789 A1   Mar. 11, 2004

THE REJECTIONS

1.   The Examiner rejected claims 1, 3-4, 6-8, 10-23, 25-27, and 29-41 under 35 U.S.C. § 102(e) as anticipated by Kawakura.

2.   The Examiner rejected claims 5, 9, 24, and 28 under 35 U.S.C. § 103(a) as unpatentable over Kawakura and Inanoria.

ISSUES

Based upon our review of the administrative record, we have determined that the following issues are dispositive in this appeal:

Issue 1:   Under § 102, did the Examiner err by finding that Kawakura discloses or describes "creating an effective data abstraction model by modifying the data abstraction model in accordance with a view that reflects one or more security settings for a group of users?" (Claim 1)

Issue 2:   Under § 102, did the Examiner err by finding that Kawakura discloses or describes "displaying one of the second natural language expressions to a user, wherein which of the two or more second natural language expressions is displayed depends upon which natural language expression files are loaded to define a language resource component associated with the data abstraction model?"(Claim 6)

PRINCIPLES OF LAW

Anticipation under § 102

In rejecting claims under 35 U.S.C. § 102, "[a] single prior art reference that discloses, either expressly or inherently, each limitation of a claim invalidates that claim by anticipation." *Perricone v. Medicis Pharm. Corp.*, 432 F.3d 1368, 1375 (Fed. Cir. 2005) (citing *Minn. Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 1565 (Fed. Cir. 1992)).

> Anticipation of a patent claim requires a finding that the claim at issue 'reads on' a prior art reference. In other words, if granting patent protection on the disputed claim would allow the patentee to exclude the public from practicing the prior art, then that claim is anticipated, regardless of whether it also covers subject matter not in the prior art.

Atlas Powder Co. v. IRECO, Inc., 190 F.3d 1342, 1346 (Fed. Cir. 1999) (citations omitted).

FINDINGS OF FACT

In our analysis *infra*, we rely on the following findings of fact (FF) that are supported by the record:

The Kawakura Reference

1. Kawakura discloses that a user has to input his ID/password to the client system in advance of making use of the hotel booking system. The server system performs the user authentication in accordance with the request data as received and returns the result to the relay server. (Para. [0177]).

2. Kawakura discloses that during the user authentication it is possible to designate a "language" for use in the session. A dialog box is opened to prompt input of a language. The language designation is associated with a request for user authentication and is transmitted together to the relay server as the first identification information of a language code. (Para. [0179]).

3. Kawakura discloses that "[t]he data generating section 37 serves to replace data items, which can be replaced, with respect to server data (response data) as obtained from the server system 1 to generate data to be transferred to the client system 2 wherein language-dependent data and pseudo data are replaced by corresponding language-dependent data and/or wherein language dependent data is added to language-dependent data and pseudo data." (Para. [0136]).

4. Kawakura discloses that data items that are to be translated (represented) in another language are replaced by replacement data. For example, English language response data is replaced by Japanese language data in response to the request from the client system. (Paras. [0148-0149]).

5. Kawakura discloses that a language is designated by a user and a language code is transmitted to the relay server. (Para. [0143]).

5. Kawakura discloses that the client system transmits a customer list containing language codes. (Para. [0222]).

ANALYSIS

ISSUE 1

We decide the question of whether the Examiner erred by finding that Kawakura discloses or describes "creating an effective data abstraction model by modifying the data abstraction model in accordance with a view that reflects one or more security settings for a group of users," as recited in claim 1.

Appellants contend that Kawakura does not disclose creating a data model by modifying another data model that reflects one or more security settings for a group of users. (App. Br. 15).

The Examiner disagrees. The Examiner contends that the language designation in Kawakura is associated with the user authentication (i.e., the input of a user's ID/password). (Ans. 11-12). The Examiner also contends that Kawakura discloses modifying a data model by translating logical fields of the data model to another language to create a new model in a different language. (Ans. 12). Based upon our review of the evidence, we disagree with the Examiner for the reasons discussed *infra*.

At the outset, we broadly but reasonably construe the language of claim 1 to require that the effective data abstraction model is created . . . *according to (i.e., as determined by) the security settings of a group of users.*

While we agree with the Examiner that the claimed "security setting" broadly but reasonably reads on the ID/password authentication described in Kawakura (FF 1), we nevertheless find that Kawakura at best discloses that the ID/password authentication (security setting) is merely *associated with* the language designation. (*See* FF 2: "The language designation is associated with a request for user authentication . . . ."). Based upon our review of

Kawakura, we are left to speculate as to the precise nature of the disclosed association. (*Id.*). We decline to engage in speculation. Thus, we find nothing in the record before us that clearly indicates how Kawakura discloses or describes that the language designation (effective data abstraction model) is created . . . *according to (as determined by) the security settings of a group of users.*

Thus, we find that a mere *association*, without more, is not enough to expressly nor inherently disclose that an effective data abstraction model (or natural language expression) is created (or displayed) . . . *according to (as determined by) the security settings of a group of users.*[1] *Cf.* Claims 1 and 17. We note that independent claims 17, 36 and 41 similarly recite displaying an abstract query "determined by a security setting of the user."

For the reasons discussed *supra*, we find that Kawakura does not expressly describe nor inherently disclose displaying an abstract query "as determined by the security setting of a user," as recited in claims 17, 36, and 41. Therefore, we reverse the Examiner's § 102 rejection of claims 1, 17, 36, and 41, and associated dependent claims 3, 4, 18, 19, 37, and 38.

Moreover, we find that Kawakura does not expressly nor inherently disclose creating a model by *modifying* the data abstraction model, as recited in claim 1. Instead, we find Kawakura describes completely *replacing* one language with another. (FF 3-4). Thus, according to the disclosure of Kawakura, another model is not fairly *created* by *modification* of an existing first model. We note that independent claims 20, 25, 39, and 40 recite

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[1] "Inherency . . . may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *In re Robertson*, 169 F.3d 743, 745, (Fed. Cir. 1999). (citations omitted).

commensurate limitations (modifying the data abstraction model), in addition to limitations commensurate with those discussed *supra* regarding claims 1, 17, 36, and 41.

Accordingly, we also reverse the Examiner's § 102 rejection of independent claims 20, 25, 39, and 40 and associated dependent claims 21-23, and 26, 27, and 29-35.

Because we do not find, and the Examiner has not established, that Inanoria overcomes the deficiencies of Kawakura, we also reverse the Examiner's § 103 rejection of dependent claims 5, 24, and 28.

ISSUE 2

We decide the question of whether the Examiner erred in finding under § 102 that Kawakura discloses or describes "displaying one of the second natural language expressions to a user, wherein which of the two or more second natural language expressions is displayed depends upon which natural language expression files are loaded to define a language resource component associated with the data abstraction model," as recited in claim 6.

Appellants contend that Kawakura discloses translating queries based on a language code designated by the user. (App. Br. 17). Therefore, Appellants maintain that Kawakura does not disclose or describe that any translation displayed depends upon "which natural language expression files are loaded," as required by the language of independent claim 6. (*Id.*).

The Examiner disagrees. The Examiner notes that Kawakura discloses displaying translated language expressions to the user where the "hotel names and the event names constitute "replacement by multilingual data" so that the original English response data d2' (i.e., 'HOTEL Tokyo" and

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"Valentine Fair") is replaced by corresponding Japanese data." (Ans. 13-14; *see also* Kawakura Fig. 9). Thus, the Examiner contends that a plurality of language components 35a-f (Kawakura, Fig. 18) for translating the database's logical fields (and the translation displayed) is dependent on which language files 35a-f are loaded. (Ans. 14). Based upon our review of the evidence, we disagree with the Examiner's arguments for the reasons discussed *infra*.

We begin our analysis by noting that the express language of claim 6 requires that "which of the two or more second natural language expressions is displayed *depends upon which natural language expression files are loaded* to define a language resource component associated with the data abstraction model." (Emphasis added).

In view of the express language of the claim, we find the evidence supports Appellants' argument that Kawakura discloses that the particular language displayed is *based on a language code designation*. (FF 5-6). Thus, we find Kawakura neither expressly nor inherently discloses that the particular language displayed depends on which language components 35a-f, are loaded. Indeed, because language components 35a-f (Japanese, Chinese, Korean) are depicted as database elements in Fig. 18, they all appear to be "loaded." Therefore, we find that the argued limitations of Appellants' claim 6 are not expressly nor inherently anticipated by the cited portions of Kawakura.

For at least the aforementioned reasons, we find the Examiner erred in rejecting independent claim 6. Accordingly, we reverse the Examiner's § 102 rejection of independent claim 6 and associated dependent claims 7, 8, and 10-16 over Kawakura. Because we do not find, and the Examiner has

not established, that Inanoria overcomes the deficiencies of Kawakura, we also reverse the Examiner's § 103 rejection of dependent claim 9.

CONCLUSIONS

Based on the findings of facts and analysis above:

The Examiner erred by finding that Kawakura discloses or describes creating an effective data abstraction model by modifying the data abstraction model in accordance with a view that reflects one or more security settings for a group of users.

The Examiner erred by finding that Kawakura discloses or describes displaying one of the second natural language expressions to a user, wherein which of the two or more second natural language expressions is displayed depends upon which natural language expression files are loaded to define a language resource component associated with the data abstraction model.

ORDER

We reverse the Examiner's rejection of claims 1, 3-4, 6-8, 10-23, 25-27, and 29-41 under 35 U.S.C. § 102(e).

We reverse the Examiner's rejection of claims 5, 9, 24, and 28 under 35 U.S.C. § 103(a).

REVERSED

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